AF/2643

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Latter et al.

Appln. No.: 09/122,484

Filed: July 24, 1998

For: Method And System For Providing Enhanced Caller Identification

Attorney Docket No: 8285-181-1

Examiner:
Nguyn, Duc Minh

Art Unit: 2643

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

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						Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus				x $25=			x $50=	
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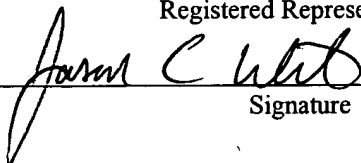
Respectfully submitted,

___12-30-04___
Date

Jason C. White (Reg. No. 42,223)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on _____December 30, 2004_____
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Registered Representative

_____[Signature]_____
Signature

Our Case No. 8285/181

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Latter et al.	)	
	)	Examiner: D. Nguyen
Serial No.: 09/122,484	)	
	)	Group Art Unit: 2743
Filed: July 24, 1998	)	
	)	
For: METHOD AND SYSTEM FOR	)	
PROVIDING ENHANCED	)	
CALLER IDENTIFICATION	)	

APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Office Action mailed May 5, 2004, Applicants respectfully appeal the final rejection entered by the examiner and provide this Appeal Brief in support thereof. The fee required under 37 CFR §§ 41.20(b)(2) and 41.37(a)(2) is included herewith.

I. Real Party in Interest

SBC Properties, L.P. is the real party in interest.

II. Related Appeals and Interferences

None.

III. Status of Claims

Claims 1-56 and 67 have been previously canceled.

Claims 57-66 and 68-93 are pending, stand rejected, and are the subject of this appeal.

IV. Status of Amendments

Applicants have not filed any amendments subsequent to the final rejection.

V. Summary of Claimed Subject Matter

Many telecommunications service providers offer caller identification (caller ID) services to their customers that provide the customers with some information about the party making an incoming call prior to the customer answering the call. These systems traditionally utilize information about the calling party that is transmitted electronically during the setup of the call to provide information to the customers. The effectiveness of caller ID systems is commonly reduced due to a number of different occurrences, including the unavailability or blocking of the electronically-transmitted information about the calling party. Applicants have invented different systems and methods for ensuring that information about the calling party is provided for the calls that ring through to the customer and for canceling calls for which no such information can be provided.

Independent Claim 57 recites a method for processing a call from a calling party at a calling communication station to a called communication station. The method involves generating a query in response to the receipt of the call, where the query includes the telephone

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number associated with the calling communication station. (See figure 5; page 5, line 29 – page 6, line 3). Information contained with the query is analyzed to determine whether standard caller identification information for the calling communication station can be provided to the called communication station. (See figures 2, 5, 6; page 3, lines 1-5; page 6, lines 3-4; page 6, line 22 – page 7, line 2). If standard caller identification information cannot be provided, a request for audible caller identification information is transmitted to the calling communication station. (See figures 2, 5; page 3, lines 8-11; page 6, lines 12-18). If an override signal is received from the calling communication station, the calling communication station is connected with the called communication station without providing any caller identification information to the called communication station. (See page 9, lines 1-17).

Independent Claim 60 recites a method for processing a call from a calling party at a calling communication station to a called communication station. The method involves generating a query in response to the receipt of the call, where the query includes the telephone number associated with the calling communication station. (See figure 5; page 5, line 29 – page 6, line 3). Information contained with the query is analyzed to determine whether standard caller identification information for the calling communication station can be provided to the called communication station. (See figures 2, 5, 6; page 3, lines 1-5; page 6, lines 3-4; page 6, line 22 – page 7, line 2). If standard caller identification information cannot be provided, a request for audible caller identification information is transmitted to the calling communication station. (See figures 2, 5; page 3, lines 8-11; page 6, lines 12-18). If audible caller identification information is provided, it is transmitted to the called communication station. (See figures 2, 5, 7; page 3, lines 13-16; page 6, lines 18-20; page 7, lines 3-16). The call is cancelled if input is received

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from the called communication station directing such a cancellation. (See figures 2, 5, 7; page 3, lines 16-17; page 7, lines 17-30).

Independent Claim 68 recites a computer usable medium having computer readable program code embodied therein for processing a call from a calling party at a calling communication station to a called communication station. The computer readable program code is operative to cause a computer to: (1) generate a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station (see figures 1, 5; page 2, lines 20-25; page 5, line 29 – page 6, line 3); (2) analyze data contained within a query to determine whether standard caller identification information for the calling communication station can be provided to the called communication station (see figures 1, 2, 5, 6; page 2, lines 20-25; page 3, lines 1-5; page 6, lines 3-4; page 6, line 22 – page 7, line 2); (3) transmit a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station (see figures 1, 2, 5; page 2, lines 20-25; page 3, lines 8-11; page 6, lines 12-18); (4) transmit the audible caller identification information to the called communication station (see figures 1, 2, 5, 7; page 2, lines 20-25; page 3, lines 13-16; page 6, lines 18-20; page 7, lines 3-16); and (5) cancel the call in response to input from the called communication station (see figures 1, 2, 5, 7; page 2, lines 20-25; page 3, lines 16-17; page 7, lines 17-30).

Independent Claim 69 recites a method for processing a call from a calling party at a calling communication station to a called communication station. The method involves generating a query in response to the receipt of the call, where the query includes the telephone number associated with the calling communication station. (See figure 5; page 5, line 29 – page

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6, line 3). Information contained with the query is analyzed to determine whether standard caller identification information for the calling communication station can be provided to the called communication station. (See figures 2, 5, 6; page 3, lines 1-5; page 6, lines 3-4; page 6, line 22 – page 7, line 2). If standard caller identification information cannot be provided, a request for audible caller identification information is transmitted to the calling communication station. (See figures 2, 5; page 3, lines 8-11; page 6, lines 12-18). If audible caller identification information is provided, it is transmitted to the called communication station. (See figures 2, 5, 7; page 3, lines 13-16; page 6, lines 18-20; page 7, lines 3-16). The call is transferred to a voice mail system if input is received from the called communication station directing such a transfer. (See figures 2, 5, 7; page 3, lines 16-17; page 7, lines 17-30).

Independent Claim 70 recites a method for processing a call from a calling party at a calling communication station to a called communication station. The method involves generating a query in response to the receipt of the call, where the query includes the telephone number associated with the calling communication station. (See figure 5; page 5, line 29 – page 6, line 3). Information contained with the query is analyzed to determine whether standard caller identification information for the calling communication station can be provided to the called communication station. (See figures 2, 5, 6; page 3, lines 1-5; page 6, lines 3-4; page 6, line 22 – page 7, line 2). If standard caller identification information cannot be provided, a request for audible caller identification information is transmitted to the calling communication station. (See figures 2, 5; page 3, lines 8-11; page 6, lines 12-18). If audible caller identification information is provided, it is transmitted to the called communication station. (See figures 2, 5, 7; page 3, lines 13-16; page 6, lines 18-20; page 7, lines 3-16). The call is transferred to another location if

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input is received from the called communication station directing such a transfer. (See figures 2, 5, 7; page 3, lines 16-17; page 7, lines 17-30).

Independent Claim 71 recites a method for processing a call from a calling party at a calling communication station to a called communication station. The method involves generating a query in response to the receipt of the call, where the query includes the telephone number associated with the calling communication station. (See figure 5; page 5, line 29 – page 6, line 3). Information contained with the query is analyzed to determine whether standard caller identification information for the calling communication station can be provided to the called communication station. (See figures 2, 5, 6; page 3, lines 1-5; page 6, lines 3-4; page 6, line 22 – page 7, line 2). If standard caller identification information cannot be provided, a request for audible caller identification information is transmitted to the calling communication station. (See figures 2, 5; page 3, lines 8-11; page 6, lines 12-18). If audible caller identification information is provided, it is transmitted to the called communication station. (See figures 2, 5, 7; page 3, lines 13-16; page 6, lines 18-20; page 7, lines 3-16). A message is transmitted to the calling communication station if input is received from the called communication station directing the transmission of such a message. (See figures 2, 5, 7; page 3, lines 16-17; page 7, lines 17-30).

Independent Claim 77 recites a system for processing a call from a calling party at a calling communication station to a called communication station. The system includes a switch that is operative to generate a query in response to the receipt of the call, where the query includes the telephone number associated with the calling communication station. (See figures 1, 3, 4, 5; page 2, line 26-32; page 3, lines 18-27; page 3, line 28 – page 4, line 2; page 5, lines 19-24; page 5, line 29 – page 6, line 3). A service control point is coupled with the switch and is operative to determine whether standard caller identification information for the calling

communication station can be provided to the called communication station by analyzing information contained within the query. (See figures 1, 2, 3, 4, 5, 6; page 2, line 26-32; page 3, lines 1-5; page 3, lines 18-27; page 4, lines 7-14; page 5, lines 19-24; page 6, lines 3-4; page 6, line 22 – page 7, line 2). A service node is coupled with the service control point and is operative to: (i) transmit a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station (see figures 1, 2, 3, 5; page 2, line 26-32; page 3, lines 8-11; page 3, lines 18-27; page 4, lines 15-29; page 6, lines 12-18); and (ii) transmit the audible caller identification information to the called communication station (see figures 1, 2, 3, 5, 7; page 2, line 26-32; page 3, lines 13-16; page 3, lines 18-27; page 4, lines 15-29; page 6, lines 18-20; page 7, lines 3-16).

Independent Claim 84 recites a system for processing a call from a calling party at a calling communication station to a called communication station. The system includes a switch that is operative to generate a query in response to the receipt of the call, where the query includes the telephone number associated with the calling communication station. (See figures 1, 3, 4, 5; page 2, line 26-32; page 3, lines 18-27; page 3, line 28 – page 4, line 2; page 5, lines 19-24; page 5, line 29 – page 6, line 3). A service control point is coupled with the switch and is operative to determine whether standard caller identification information for the calling communication station can be provided to the called communication station by analyzing information contained within the query. (See figures 1, 2, 3, 4, 5, 6; page 2, line 26-32; page 3, lines 1-5; page 3, lines 18-27; page 4, lines 7-14; page 5, lines 19-24; page 6, lines 3-4; page 6, line 22 – page 7, line 2). An intelligent peripheral is coupled with the service control point and is operative to: (i) transmit a request for audible caller identification information to the calling

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communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station (see figures 1, 2, 4, 5; page 2, line 26-32; page 3, lines 8-11; page 5, lines 19-24; page 6, lines 12-18); and (ii) transmit the audible caller identification information to the called communication station (see figures 1, 2, 4, 5, 7; page 2, line 26-32; page 3, lines 13-16; page 5, lines 19-24; page 6, lines 18-20; page 7, lines 3-16).

Independent Claim 91 recites a computer usable medium having computer readable program code embodied therein for processing a call from a calling party at a calling communication station to a called communication station. The computer readable program code is operative to cause a computer to: (1) generate a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station (see figures 1, 5; page 2, lines 20-25; page 5, line 29 – page 6, line 3); (2) analyze data contained within a query to determine whether standard caller identification information for the calling communication station can be provided to the called communication station (see figures 1, 2, 5, 6; page 2, lines 20-25; page 3, lines 1-5; page 6, lines 3-4; page 6, line 22 – page 7, line 2); (3) transmit a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station (see figures 1, 2, 5; page 2, lines 20-25; page 3, lines 8-11; page 6, lines 12-18); (4) transmit the audible caller identification information to the called communication station (see figures 1, 2, 5, 7; page 2, lines 20-25; page 3, lines 13-16; page 6, lines 18-20; page 7, lines 3-16); and (5) transfer the call to a voicemail system in response to input from the called communication station (see figures 1, 2, 5, 7; page 2, lines 20-25; page 3, lines 16-17; page 7, lines 17-30).

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Independent Claim 92 recites a computer usable medium having computer readable program code embodied therein for processing a call from a calling party at a calling communication station to a called communication station. The computer readable program code is operative to cause a computer to: (1) generate a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station (see figures 1, 5; page 2, lines 20-25; page 5, line 29 – page 6, line 3); (2) analyze data contained within a query to determine whether standard caller identification information for the calling communication station can be provided to the called communication station (see figures 1, 2, 5, 6; page 2, lines 20-25; page 3, lines 1-5; page 6, lines 3-4; page 6, line 22 – page 7, line 2); (3) transmit a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station (see figures 1, 2, 5; page 2, lines 20-25; page 3, lines 8-11; page 6, lines 12-18); (4) transmit the audible caller identification information to the called communication station (see figures 1, 2, 5, 7; page 2, lines 20-25; page 3, lines 13-16; page 6, lines 18-20; page 7, lines 3-16); and (5) transfer the call to another location in response to input from the called communication station (see figures 1, 2, 5, 7; page 2, lines 20-25; page 3, lines 16-17; page 7, lines 17-30).

Independent Claim 93 recites a computer usable medium having computer readable program code embodied therein for processing a call from a calling party at a calling communication station to a called communication station. The computer readable program code is operative to cause a computer to: (1) generate a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station (see figures 1, 5; page 2, lines 20-25; page 5, line 29 – page 6, line 3); (2) analyze data

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contained within a query to determine whether standard caller identification information for the calling communication station can be provided to the called communication station (see figures 1, 2, 5, 6; page 2, lines 20-25; page 3, lines 1-5; page 6, lines 3-4; page 6, line 22 – page 7, line 2); (3) transmit a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station (see figures 1, 2, 5; page 2, lines 20-25; page 3, lines 8-11; page 6, lines 12-18); (4) transmit the audible caller identification information to the called communication station (see figures 1, 2, 5, 7; page 2, lines 20-25; page 3, lines 13-16; page 6, lines 18-20; page 7, lines 3-16); and (5) transmit a message to the calling communication station in response to input from the called communication station (see figures 1, 2, 5, 7; page 2, lines 20-25; page 3, lines 16-17; page 7, lines 17-30).

VI.   Grounds of Rejections to Be Reviewed on Appeal

1.   Claims 57-59 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the proposed combination of Tatchell et al. (U.S. Patent 5,905,774), Blumhardt (U.S. Patent 5,533,106), and Bartholomew (U.S. Patent 5,497,414).

2.   Claims 60-66, 68-73, and 75-93 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the proposed combination of Tatchell et al. (U.S. Patent 5,905,774) and Blumhardt (U.S. Patent 5,533,106).

3.   Claim 74 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the proposed combination of Tatchell et al. (U.S. Patent 5,905,774), Blumhardt (U.S. Patent 5,533,106), and Jones et al. (U.S. Patent 5,033,076).

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VII. Argument

1. Brief Summary of Procedural History

This application has been pending for more than six years, and Applicants have made many efforts to advance the prosecution of the application with little success. Applicants have made many amendments to the claims, and Applicants' attorney has twice conducted telephonic interviews with the Examiner in hopes of advancing the examination of the application. However none of these efforts have been successful. As explained in more detail below, many of the pending claims have been summarily rejected without even a basic explanation of the basis for the rejection. Also, many of the rejections refer to limitations that are not present in the pending claims and completely ignore limitations that are present in the claims.

Applicants have also been faced with ever changing bases for rejecting the pending claims. In an Office Action mailed April 9, 2003, the Examiner noted in the Office Action Summary that Claims 57-66 and 68-93 were allowed. However, in the Detailed Action, the Examiner rejected Claims 57-66 and 68-93 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 6,178,232. The Examiner noted that a terminal disclaimer could be filed to overcome the double patenting rejections. However, because the present application and U.S. Patent No. 6,178,232 are assigned to different entities, a terminal disclaimer could not be filed. Applicants successfully traversed the doubled patenting rejections by showing that pending Claims 57-66 and 68-93 all included at least one limitation that is completely absent from the claims in U.S. Patent No. 6,178,232. After Applicants successfully traversed the double patenting rejections, the Examiner issued new rejections using references that had been of record at the time that all of the currently pending claims were allowed.

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2.   The Pending Claims Were Previously Allowed Over These References

As noted above, in a previous office action, all of the pending claims were allowed (pending an obviousness-type double patenting rejection) over the prior art of record. At the time of the allowance, all of the references that are currently being used to reject the pending claims were of record. Tatchell et al. had been of record for many years, and Blumhardt, Bartholomew, and Jones et al. were cited in an information disclosure statement and a PTO 1449 form that were submitted to the Patent Office on September 30, 1998 and were initialed by the Examiner on July 30, 1999. Given that all of the pending claims were previously allowed by the Examiner over the very same references that are now being used to reject the claims and given that these rejections were only made after the double patenting rejections were traversed, Applicants respectfully submit that the current rejections of all pending claims are improper. (See MPEP § 706.04 – noting that "great care" should be exercised in rejecting claims that have been previously allowed).

3.   Rejections of Claims 57-59 under 35 U.S.C. § 103(a)

In the Office Action, it was asserted that Tatchell et al. discloses "means for determining whether standard caller identification information for the calling communication station can be provided to the called communication station," and Claim 57 was rejected on this basis. However, Claim 57 does not recite such a means. Instead, it recites the act of determining whether standard caller identification information for the calling communication station can be provided to the called communication station *by analyzing data contained within a query that is generated in response to the receipt of the call*. This limitation appears to have been ignored in the Office Action, and Applicants respectfully submit that Tatchell et al. does not disclose this feature.

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In column 6, lines 41-52, Tatchell et al. includes a brief discussion of how one type of query can be used. In that discussion, Tatchell et al. only discloses that a query can be used by an SSP to obtain routing information from an SCP. Similarly, column 10, lines 17-20 discloses a query that contains only the identity of the *subscriber based on the called number* and explains that the query is used only to *determine how to route a call.* Also, while column 20, lines 50-51 generally disclose determining if a call has a CLID, it discloses that the determination of whether a call has a CLID is made *without using a query.* Column 20, lines 41-44 state that when an incoming call is directed to a number for which the subscriber has requested call screening, the agent is invoked, and column 20, lines 48-50 state that the agent determines if the call has a CLID. However, column 20, lines 51-52 state that if the call does not have a CLID of the CLID is blocked, the agent *answers the call.* This suggests that the call is routed to the agent so that the agent can determine if the call has a CLID and so that the agent can answer the call if the call does not have a CLID. If the call is routed to the agent, a query to the agent is not necessary. Indeed, nowhere in this portion of Tatchell et al. is the use of a query disclosed or even suggested. Thus, Tatchell et al. does not disclose determining if caller identification is available for a calling communication station *by analyzing data contained within a query.* To the extent that it is asserted that Blumhardt discloses this feature, any proposed modification of Tatchell et al. to include this feature is improper for the reasons explained in more detail below.

In the Office Action, it was admitted that Tatchell et al. fails to disclose the acts of: (i) generating a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station; (ii) receiving an override signal from the calling communication station; or (iii) connecting the calling communication station and the called communication station in response to the override signal and without

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providing any caller identification information to the called communication station. In an attempt to cure these deficiencies, it was asserted that Blumhardt teaches generating a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station and that Bartholomew teaches completing a call without providing any caller identification information to the called communication station if the caller keys a special privacy override code.

However, there is no showing that one skilled in the art would have been motivated to pick and choose various elements from the prior art as proposed in the Office Action. Indeed, with respect to the proposed modification of Tatchell et al. that involves generating a query that includes certain information and analyzing information contained within that query to determine whether standard caller identification information can be provided, Applicants submit that these proposed modifications of Tatchell et al. are improper because they change the principle of operation of Tatchell et al. and because Tatchell et al. teaches away from such modifications.

While Tatchell et al. may generally disclose a query, it discloses using a query in a fashion that is unrelated to the pending claims. Indeed, as explained above, Tatchell et al. does not disclose: (1) generating a query that includes the telephone number associated with the calling communication station or (2) determining whether standard caller identification information for the calling communication station can be provided to the called communication station by analyzing data contained within the query. To the contrary, Tatchell et al. discloses checking to see if a call has CLID *without using a query*. (Col. 20, lines 50-51). Specifically, Tatchell et al. states that when an incoming call is directed to a number for which the subscriber has requested call screening, the agent is invoked. (Col. 20, lines 41-44). Tatchell et al. further explains that the agent determines if the call has a CLID, and if the call does not have a CLID of

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the CLID is blocked, the agent *answers the call*. (Col. 20 lines 48-52). This teaches that the call is routed to the agent so that the agent can determine if the call has a CLID and so that the agent can answer the call if the call does not have a CLID. If the call is routed to the agent, a query to the agent is not necessary. Indeed, nowhere in this portion of Tatchell et al. is the use of a query disclosed or even suggested.

Thus, any proposed modification of the teachings of Tatchell et al. that requires that a query be used to enable the agent to determine whether caller identification information for a calling communications station can be provided to the called communications station, rather than routing the call directly to the agent, is contrary to the express teaching in Tatchell et al. that the call be routed to the agent. Accordingly, any such proposed modification of Tatchell et al. is improper because it changes the principle of operation of Tatchell et al. (MPEP § 2143.01). Moreover, Tatchell et al. teaches away from such a modification in that it acknowledges queries but teaches that a call should be routed to an agent to allow for a determination about providing CLID, rather than using a query to do so.

In summary, Applicants respectfully submit that the current rejections are deficient in that they fail to address all of the claim limitations. Applicants also respectfully submit that to the extent that the combination of Tatchell et al., Blumhardt, and Bartholomew is alleged to invalidate Claims 57-59, one skilled in the art would not have been motivated to make such a combination. Without the required motivation, the rejections are the result of nothing more than using the claims as a blueprint to pick and choose isolated teachings from the applied references. Accordingly, Applicants respectfully request that the rejection of Claims 57-59 be removed.

4. Rejections of Claims 60-66, 68-73, and 75-93 under 35 U.S.C. § 103(a)

Independent Claims 60, 69, 70, and 71 all recite methods for processing a call that include: (i) generating a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station and (ii) determining whether standard caller identification information for the calling communication station can be provided to the called communication station *by analyzing data contained within the query*. As with Claim 57, the limitation in these claims that requires that the determination of whether standard caller identification information for the calling communication station can be provided to the called communication station be made by analyzing data contained within the query appears to have been ignored in the Office Action. Also, as explained above, Applicants submit that Tatchell et al. does not disclose this feature and to the extent that it is asserted that Blumhardt discloses this feature, any proposed modification of Tatchell et al. to include this feature is improper.

In addition, it was admitted in the Office Action that Tatchell et al. fails to disclose the act of generating a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station. For the same reasons as discussed above in conjunction with Claim 57, Applicants submit that there is no showing that one skilled in the art would have been motivated to pick and choose various elements from the prior art as proposed in the Office Action, and the proposed modifications of Tatchell et al. are improper because they change the principle of operation of Tatchell et al. and because Tatchell et al. teaches away from such modifications.

In summary, Applicants respectfully submit that the current rejections are deficient in that they fail to address all of the limitations of these claims. Applicants also respectfully submit that

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to the extent that the combination of Tatchell et al. and Blumhardt is alleged to invalidate these claims, one skilled in the art would not have been motivated to make such a combination. For these reasons, Applicants respectfully request that the rejection of independent Claims 60, 69, 70, and 71 and dependent Claims 61, 62, 63, 64, 65, 66, 72, 73, 74, 75, and 76 be removed.

With respect to dependent Claims 61-63, they recite analyzing data contained within a query to determine whether caller identification information is either unavailable, incomplete, or blocked. The portion of Tatchell et al. cited in the Office Action does not disclose these features. Indeed, as explained above, Applicants submit that Tatchell et al. does not disclose analyzing data contained within a query to make any determination about caller identification information. Also, any proposed modification of Tatchell et al. to include these features is improper for the reasons given above.

With respect to dependent Claim 64, it recites transmitting a message to the called communication station where the message comprises *accept and reject options and a request for input from the called communication station*. This portion of Claim 64 has been completely ignored in the portion of the Office Action that addresses Claim 64. While Tatchell et al. makes a passing reference to a subscriber being able to accept, reject, or redirect a call after hearing an announcement, it does not disclose transmitting a request for input from the called communication station, as recited in this claim. (Col. 21, lines 34-36). Blumhardt also fails to disclose this feature and notes that its invention should be "transparent to the called party." (Col. 2, line 27). Also, this portion of the Office Action refers to many "means for" limitations that are not part of this claim.

With respect to dependent Claim 65, it recites transmitting a message to the calling communication station *in response to input from the called communication station*. Again, this

portion of this limitation appears to have been ignored in the Office Action. While Tatchell et al.

may disclose transmitting a message to the calling party that asks the calling party to speak his or

her name, that message is sent without receiving any input from the called communication

station. (Col. 20, lines 50-51). Blumhardt does not disclose transmitting a message to the calling

party in response to input from the called communication station and, to the contrary, notes that

its invention should be "transparent to the called party." (Col. 2, line 27).

With respect to <u>dependent Claim 66,</u> it recites transmitting a text message to the called

communication station. In column 18, line 56-59, Tatchell et al. states that the *agent* can receive

a text message and can translate that message, using text-to-speech, to obtain an *audible*

announcement that is delivered to the called party. However, Tatchell et al. does not disclose

transmitting a text message to the called communication station as recited in this claim.

Blumhardt also fails to disclose this feature.

With respect to <u>dependent Claim 73</u>, it recites transmitting a request for the calling party

to speak the name of the party upon whose behalf he or she is calling. This limitation appears to

have been ignored in the Office Action, and Applicants submit that neither Tatchell et al. nor

Blumhardt disclose this feature.

With respect to <u>dependent Claim 76</u>, it recites that the input from the called

communication station comprises dual tone multi-frequency tones. This limitation appears to

have been ignored in the Office Action, and Applicants submit that neither Tatchell et al. nor

Blumhardt disclose this feature.

<u>Independent Claims 77 and 84</u> both recite systems for processing a call that include: (i) a

switch operative to generate a query in response to the receipt of the call, wherein the query

includes the telephone number associated with the calling communication station and (ii) a

service control point coupled with the switch, the service control point being operative to determine whether standard caller identification information for the calling communication station can be provided to the called communication station by analyzing information contained within the query. In addition, Claim 77 recites a service node coupled with the service control point, the service node being operative to transmit a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station and being operative to transmit the audible caller identification information to the called communication station, and Claim 84 recites an intelligent peripheral that is coupled with the service control point and is operative to perform the same acts.

These claims stand rejected based upon some purported combination of Tatchell et al. and Blumhardt, but it is not clear how the purported combination renders these claims invalid. For example, Claims 77 and 84 both recite a switch that is operative to generate a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station. However, that limitation is not mentioned in the portion of the Office Action that addresses Claims 77 and 84. Also, with respect to the remaining limitations of Claims 77 and 84 it is not clear which reference purportedly discloses each limitation. In addition, for the same reasons as discussed above in conjunction with Claim 57, Applicants submit that any proposed combination of Tatchell et al. and Blumhardt is improper because there is no showing that one skilled in the art would have been motivated to pick and choose various elements from the prior art as proposed in the Office Action, and the proposed modifications of Tatchell et al. are improper because they change the principle of operation of Tatchell et al. and because Tatchell et al. teaches away from such modifications.

In summary, Applicants respectfully submit that the current rejections are deficient in that they fail to address all of the limitations of these claims. Applicants also respectfully submit that to the extent that the combination of Tatchell et al. and Blumhardt is alleged to invalidate these claims, one skilled in the art would not have been motivated to make such a combination. For these reasons, Applicants respectfully request that the rejection of independent Claims 77 and 84 and dependent Claims 78-82 and 85-90 be removed.

With respect to dependent Claim 78-80 and 85-87, these claims are patentable for the same reasons as discussed above in conjunction with Claims 61-63.

Independent Claims 68, 91, 92, and 93 all stand rejected based upon some purported combination of Tatchell et al. and Blumhardt, but it is not clear how the purported combination renders these claims invalid. For example, Claims 68, 91, 92, and 93 all recite computer readable program code for causing a computer to analyze data contained within a query to determine whether standard caller identification information for the calling communication station can be provided to the called communication station. However, this limitation is not mentioned in the portion of the Office Action that addresses Claims 68, 91, 92, and 93. Indeed, as discussed herein, Applicants submit that Tatchell et al. does not disclose analyzing data contained within a query to determine whether standard caller identification information can be provided. Also, for the same reasons as discussed above in conjunction with Claim 57, Applicants submit that any proposed combination of Tatchell et al. and Blumhardt is improper because there is no showing that one skilled in the art would have been motivated to pick and choose various elements from the prior art as proposed in the Office Action, and the proposed modifications of Tatchell et al. are improper because they change the principle of operation of Tatchell et al. and because Tatchell et al. teaches away from such modifications.

In summary, Applicants respectfully submit that the current rejections are deficient in that they fail to address all of the limitations of these claims. Applicants also respectfully submit that to the extent that the combination of Tatchell et al. and Blumhardt is alleged to invalidate these claims, one skilled in the art would not have been motivated to make such a combination. For these reasons, Applicants respectfully request that the rejection of independent 68, 91, 92, and 93 be removed.

With respect to Claim 93, it recites computer readable program code for causing a computer to transmit a message to the calling communication station *in response to input from the called communication station*. This claim is patentable for the same reasons as discussed above in conjunction with Claim 65.

5. Rejection of Claim 74 under 35 U.S.C. § 103(a)

In the Office Action, Claim 74 was rejected as being unpatentable over Tatchell et al. in view of Blumhardt and further in view of Jones et al. Because Claim 74 depends from Claims 60, 69, 70, and 71, it is patentable for at least the reasons discussed above in conjunction with these independent claims.

VIII. Conclusion

For the reasons set forth above, Applicants respectfully submit that all of the pending

claims are patentable over the applied references. Accordingly, Applicants respectfully request

removal of the pending rejections.

Dated: December 30, 2004   Respectfully submitted,

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IX. Claims Appendix

57.   A method for processing a call from a calling party at a calling communication station to a called communication station, the method comprising:

(a)   generating a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station;

(b)   determining whether standard caller identification information for the calling communication station can be provided to the called communication station by analyzing data contained within the query;

(c)   transmitting a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station;

(d)   receiving an override signal from the calling communication station; and

(e)   connecting the calling communication station and the called communication station in response to the override signal and without providing any caller identification information to the called communication station.

58.   The method of claim 57, wherein the override signal comprises a pin number.

59.   The method of claim 57, wherein the override signal comprises a password.

60.   A method for processing a call from a calling party at a calling communication station to a called communication station, the method comprising:

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(a)   generating a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station;

(b)   determining whether standard caller identification information for the calling communication station can be provided to the called communication station by analyzing data contained within the query;

(c)   transmitting a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station;

(d)   transmitting the audible caller identification information to the called communication station; and

(e)   canceling the call in response to input from the called communication station.

61.   The method of claims 60, 69, 70, or 71, wherein (b) comprises analyzing data contained within the query to determine whether caller identification information for the calling communication station is unavailable.

62.   The method of claims 60, 69, 70, or 71, wherein (b) comprises analyzing data contained within the query to determine whether the caller identification information for the calling communication station is incomplete.

63.   The method of claims 60, 69, 70, or 71, wherein (b) comprises analyzing data contained within the query to determine whether caller identification information for the calling communication station has been blocked.

64.   The method of claims 60, 69, 70, or 71, further comprising transmitting a message to the called communication station, the message comprising accept and reject options and a request for input from the called communication station.

65.   The method of claim 60, further comprising transmitting a message to the calling communication station in response to input from the called communication station.

66.   The method of claims 60, 69, 70, or 71, wherein (d) comprises transmitting audible caller identification information and a text message to the called communication station.

68.   A computer usable medium having computer readable program code embodied therein for processing a call from a calling party at a calling communication station to a called communication station, the computer readable program code comprising:

a first computer readable program code for causing a computer to generate a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station;

a second computer readable program code for causing a computer to analyze data contained within a query to determine whether standard caller identification information for the calling communication station can be provided to the called communication station;

a third computer readable program code for causing a computer to transmit a request for audible caller identification information to the calling communication station in response to a

determination that the standard caller identification information cannot be provided to the called communication station;

a fourth computer readable program code for causing a computer to transmit the audible caller identification information to the called communication station; and

a fifth computer readable program code for causing a computer to cancel the call in response to input from the called communication station.

69.   A method for processing a call from a calling party at a calling communication station to a called communication station, the method comprising:

(a)   generating a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station;

(b)   determining whether standard caller identification information for the calling communication station can be provided to the called communication station by analyzing data contained within the query;

(c)   transmitting a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station;

(d)   transmitting the audible caller identification information to the called communication station; and

(e)   transferring the call to a voice mail system in response to input from the called communication station.

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70.   A method for processing a call from a calling party at a calling communication station to a called communication station, the method comprising:

(a)   generating a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station;

(b)   determining whether standard caller identification information for the calling communication station can be provided to the called communication station by analyzing data contained within the query;

(c)   transmitting a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station;

(d)   transmitting the audible caller identification information to the called communication station; and

(e)   transferring the call to another location in response to input from the called communication station.

71.   A method for processing a call from a calling party at a calling communication station to a called communication station, the method comprising:

(a)   generating a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station;

(b)   determining whether standard caller identification information for the calling communication station can be provided to the called communication station by analyzing data contained within the query;

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(c)   transmitting a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station;

(d)   transmitting the audible caller identification information to the called communication station; and

(e)   transmitting a message to the calling communication station in response to input from the called communication station.

72.   The method of claims 60, 69, 70, or 71, wherein (c) comprises transmitting a request for the calling party to speak his or her name.

73.   The method of claims 60, 69, 70, or 71, wherein (c) comprises transmitting a request for the calling party to speak the name of the party upon whose behalf he or she is calling.

74.   The method of claims 60, 69, 70, or 71, wherein (c) comprises:

(c1)   transmitting a message indicating that the called communication station does not accept calls from an unidentified calling party; and

(c2)   transmitting a request for the calling party to speak his or her name.

75.   The method of claims 60, 69, 70, or 71, wherein (d) comprises:

(d1)   recording the audible caller identification information; and

(d2)   transmitting the recorded audible caller identification information to the called communication station.

76.   The method of claims 60, 69, 70, or 71, wherein the input from the called communication station comprises dual tone multi-frequency tones.

77.   A system for processing a call from a calling party at a calling communication station to a called communication station comprising:

a switch operative to generate a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station;

a service control point coupled with the switch, the service control point being operative to determine whether standard caller identification information for the calling communication station can be provided to the called communication station by analyzing information contained within the query; and

a service node coupled with the service control point, the service node being operative to transmit a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station and being operative to transmit the audible caller identification information to the called communication station.

78.   The system of claim 77, wherein the service control point is operative to determine whether the standard caller identification information for the calling communication station is unavailable by analyzing information contained within the query.

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79. The system of claim 77, wherein the service control point is operative to determine whether the standard caller identification information for the calling communication station is incomplete by analyzing information contained within the query.

80. The system of claim 77, wherein the service control point is operative to determine whether the standard caller identification information for the calling communication station has been blocked by analyzing information contained within the query.

81. The system of claim 77, wherein the service node is operative to transmit audible messages to the calling communication station.

82. The system of claim 77, wherein the service node is operative to transmit audible messages to the called communication station.

83. The system of claim 77, wherein the service node is operative to receive and respond to input from the called communication station.

84. A system for processing a call from a calling party at a calling communication station to a called communication station comprising:

a switch operative to generate a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station;

a service control point coupled with the switch, the service control point being operative to determine whether standard caller identification information for the calling communication station can be provided to the called communication station by analyzing information contained within the query; and

an intelligent peripheral coupled with the service control point, the intelligent peripheral being operative to transmit a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station and being operative to transmit the audible caller identification information to the called communication station.

85. The system of claim 84, wherein the service control point is operative to determine whether the standard caller identification information for the calling communication station is unavailable by analyzing information contained within the query.

86. The system of claim 84, wherein the service control point is operative to determine whether the standard caller identification information for the calling communication station is incomplete by analyzing information contained within the query.

87. The system of claim 84, wherein the service control point is operative to determine whether the standard caller identification information for the calling communication station has been blocked by analyzing information contained within the query.

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88. The system of claim 84, wherein the intelligent peripheral is operative to transmit audible messages to the calling communication station.

89. The system of claim 84, wherein the intelligent peripheral is operative to transmit audible messages to the called communication station.

90. The system of claim 84, wherein the intelligent peripheral is operative to receive and respond to input from the called communication station.

91. A computer usable medium having computer readable program code embodied therein for processing a call from a calling party at a calling communication station to a called communication station, the computer readable program code comprising:

a first computer readable program code for causing a computer to generate a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station;

a second computer readable program code for causing a computer to analyze data contained within a query to determine whether standard caller identification information for the calling communication station can be provided to the called communication station;

a third computer readable program code for causing a computer to transmit a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station;

a fourth computer readable program code for causing a computer to transmit the audible caller identification information to the called communication station; and

a fifth computer readable program code for causing a computer to transfer the call to a voice mail system in response to input from the called communication station.

92.   A computer usable medium having computer readable program code embodied therein for processing a call from a calling party at a calling communication station to a called communication station, the computer readable program code comprising:

a first computer readable program code for causing a computer to generate a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station;

a second computer readable program code for causing a computer to analyze data contained within a query to determine whether standard caller identification information for the calling communication station can be provided to the called communication station;

a third computer readable program code for causing a computer to transmit a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station;

a fourth computer readable program code for causing a computer to transmit the audible caller identification information to the called communication station; and

a fifth computer readable program code for causing a computer to transfer the call to another location in response to input from the called communication station.

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93. A computer usable medium having computer readable program code embodied therein for processing a call from a calling party at a calling communication station to a called communication station, the computer readable program code comprising:

a first computer readable program code for causing a computer to generate a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station;

a second computer readable program code for causing a computer to analyze data contained within a query to determine whether standard caller identification information for the calling communication station can be provided to the called communication station;

a third computer readable program code for causing a computer to transmit a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station;

a fourth computer readable program code for causing a computer to transmit the audible caller identification information to the called communication station; and

a fifth computer readable program code for causing a computer to transmit a message to the calling communication station in response to input from the called communication station.

X.   Evidence Appendix

None.

XI.   Related Proceedings Appendix

None.